

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JASON WILBUR ARMS,

Plaintiff,

v.

Case No. 20-cv-1552-bhl

KILOLO KIJAKAZI,¹
Acting Commissioner for
Social Security Administration,

Defendant.

ORDER

On July 8, 2021, the Court remanded this case to the Commissioner of Social Security, pursuant to the parties' joint motion. (ECF Nos. 19, 20.) On September 30, 2021, the plaintiff filed a Motion for Attorney's Fees in the amount of \$8,386.90 and costs in the amount of \$0, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412. (ECF No. 22.) On October 20, 2021, the parties filed a stipulation for an award of attorney's fees in the requested amount. (ECF No. 26.) In light of the parties' agreement, and because the Court finds that the fees incurred are both reasonable and necessary and qualify under the EAJA,

IT IS HEREBY ORDERED that the request for an award of attorney's fees (ECF Nos. 22, 26) is granted; an award of attorney's fees in the sum of \$8,386.90 and costs in the amount of \$0 shall be paid by Defendant in full satisfaction and settlement of any and all claims Plaintiff may have in this matter pursuant to the EAJA. These fees are awarded to Plaintiff and not

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. §405(g).

Plaintiff's attorney and can be offset to satisfy pre-existing debts that the litigant owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010). If counsel for the parties verify that Plaintiff owes no pre-existing debt subject to offset, then Defendant shall direct that the award be made payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

Dated at Milwaukee, Wisconsin on October 21, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge